

# **CITY COUNCIL AGENDA**

**MAY 10, 2005**

**AMENDED AGENDA**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ, VICE MAYOR  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
VACANT  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

**Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)**

**To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.**

**On occasion the City Council may consider agenda items out of order.**

- **Call to Order and Roll Call**

9:00 a.m. - Closed Session, Room 600, City Hall

[See Separate Agenda](#)

1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 5)**

Performance of “Wizard of Oz” by the Students of Cureton Elementary School

- **Pledge of Allegiance**

- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 10.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

## **1 CEREMONIAL ITEMS**

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**1.1** Presentation of a proclamation proclaiming the week of May 8-14, 2005 as Building Safety Week. (Planning, Building and Code Enforcement)

**1.2** Presentation of a proclamation proclaiming the week of May 9-16, 2005 as Wildfire Awareness Week. (Fire)

**1.3** Presentation of a commendation recognizing San José Fire Department Communications Dispatchers for receiving a re-accreditation award as an Emergency Medical Dispatch Accredited Center of Excellence (ACE) from the National Academies of Emergency Dispatch (NAED). (Mayor)

\* (Rules Committee referral 5/4/05)

# 1 CEREMONIAL ITEMS

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- 1.4 Presentation of commendations to Renew CSU and Kilen Gilpen for their efforts to bring renewable energy to San José State University. (LeZotte)  
(Rules Committee referral 5/4/05)

\* **RECOMMEND DEFERRAL TO 5/17/05, TO BE HEARD IN THE EVENING**

- 1.5 Presentation of a proclamation declaring May 10, 2005 as Palestinian Cultural Day in the City of San José. (LeZotte)

\* (Rules Committee referral 5/4/05)

- 1.6 Presentation of a commendation to Community Health Partnerships in recognition of their work on the Women's Health Partnership Program. (LeZotte)

\* (Orders of the Day)

# 2 CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

## 2.1 Approval of Minutes.

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 27399 - Rezoning certain real property situated on the south side of the terminus of Marburg Way, approximately 550 feet westerly of North 33rd Street to A(PD) Planned Development Zoning District. PDC04-104

- (b) ORD. NO. 27412 - Amending sections 13.22.080, 13.22.090, 13.22.100, 13.22.130, 13.22.140, 13.22.150 and 13.22.170 of Chapter 13.22 of Title 13 of the San José Municipal Code regarding Paseos and Plazas to allow cooking, to allow two permits per month per Permittee, and to make other related changes.

## 2.3 [Acceptance of the Office of the City Auditor's Report on Sales Tax Audit Results for the Quarter Ended December 31, 2004.](#)

**Recommendation:** Acceptance of the Office of the City Auditor's *Report on Sales Tax Audit Results for the Quarter Ended December 31, 2004*. (City Auditor)

## 2 CONSENT CALENDAR

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### 2.4 Approval of fiscal actions for Redevelopment Agency Capital Projects.

\* **Recommendation:**

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Washington - Traffic Calming Improvements Project (PSM 409) with a net impact to the fund of \$5,550.
- (b) Adoption of a resolution making certain determinations regarding the related expenditures of the Redevelopment Agency funds on certain public improvements in connection with the Washington - Traffic Calming Improvements Project, as more specifically described in the memorandum from the Redevelopment Agency, dated March 30, 2005.

CEQA: Not a Project. Council District 3. SNI: Washington. (City Manager's Office)

### 2.5 Approval to award a contract for the Remington Way Main Replacement.

**Recommendation:** Report on bids and award of contract for the Remington Way Main Replacement to the low bidder, Pacific Underground Construction, Inc., in the amount of \$304,230 and approval of a contingency in the amount of \$35,000. CEQA: Exempt, PP04-250. Council District 8. (Environmental Services)

### 2.6 Approval of fiscal actions for City-Building Energy Projects Programs.

**Recommendation:**

- (a) Adoption of the following appropriation ordinance amendments in the Construction Tax and Property Conveyance Tax Fund - Service Yards Purpose:
  - (1) Establish a City-Building Energy Projects Program appropriation to the General Services Department in the amount of \$19,914.
  - (2) Decrease the Ending Fund Balance in the amount of \$19,914.
- (b) Adoption of the following appropriation ordinance amendments in the Construction Tax and Property Conveyance Tax Fund - Parks Purposes Central Fund:
  - (1) Establish a City-Building Energy Projects Program appropriation to the General Services Department in the amount of \$5,460.
- (c) Adoption of the following appropriation ordinance amendments in the Construction Tax and Property Conveyance Tax Fund - Fire Protection Purposes:
  - (1) Establish a City-Building Energy Projects Program appropriation to the General Services Department in the amount of \$31,109.
  - (2) Decrease the Ending Fund Balance in the amount of \$31,109.

CEQA: Not a Project. (Environmental Services/City Manager's Office)

## 2 CONSENT CALENDAR

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2.7 [Approval of open purchase orders for the purchase of supplies, materials, equipment and services.](#)

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #16 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)

2.8 [Approval to purchase a digital photo lab system for the Police Department.](#)

**Recommendation:** Report on a bid for the purchase of a digital photo lab system to the sole responsive bidder, Fuji Photo Film, at a total cost of \$142,759.19 including tax, freight, and extended warranty, and authorization for the Director of Finance to execute the purchase order for the immediate purchase of a digital photo lab system. CEQA: Not a Project. (Finance)

2.9 [Approval of a contract extension to the Line of Credit Agreement between the City of San José and Across the Bridge Foundation Inc.](#)

[Supplemental](#)

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the Line of Credit Agreement with Across the Bridge Foundation, Inc. to provide financial assistance to the Downtown College Prep Charter School in the amount of \$600,000, to extend the due date of the first repayment installment to June 30, 2006 with payment in full due on December 30, 2010. (Mayor) (Rules Committee referral 5/4/05)

2.10 \*Number not used.

2.11 [Approval of actions related to the Converged Network and Server/SAN for the New City Hall.](#)

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement between Gartner, Inc. and the City of San José to add additional technical services related to the New City Hall Converged Network and additional procurement and technical services related to Server/SAN, and to increase compensation by \$256,000, changing the total agreement amount from \$420,000 to \$676,000 with no term extension to the agreement. CEQA: Not a Project. (Information Technology/City Manager's Office) (Rules Committee referral 5/4/05)

## **2.12 Approval of a revision to the City Council Policy on Street Naming and Renaming.**

### **Supplemental**

- \* **Recommendation:** Adoption of a resolution approving revisions to City Council Policy 6-5 setting forth the Street Naming and Street Name Change Policy. CEQA: Not a Project. (Planning, Building and Code Enforcement)  
(Rules Committee referral 5/4/05)

## **2.13 Approval of actions for the Fontana Dog Park.**

- \* **Recommendation:**
  - (a) Approval of a contingency budget increase in the amount of \$12,000.
  - (b) Adoption of the following appropriation ordinance amendments in the Council District 10 Construction and Conveyance (C&C) Tax Fund:
    - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Fontana Dog Park by \$12,000;
    - (2) Decrease the Ending Fund Balance by \$12,000.

CEQA: Exempt, PP04-03-088. Council District 10. (Public Works/City Manager's Office)  
(Rules Committee referral 5/4/05)

# **3 STRATEGIC SUPPORT SERVICES**

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## **3.1 Report of the Study Session Mayor Gonzales, Chair**

## **3.2 Report of the Rules Committee – April 27, 2005 Vice Mayor Chavez, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review May 10, 2005 Council Agenda
  - (2) Add New Items to May 3, 2005 Agenda
  - (3) List of Reports Outstanding
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
  - (1) Historic Landmarks Commission
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Work Load Assessment, Work Plan and Feasibility Study for the Silicon Valley Boys and Girls Club
  - (2) Approval of District 3 Neighborhood Summit Event to be held on April 30, 2005 and Authorization to Transfer Event Balance to the Gift Trust Fund for Expenditure
- (h) Oral Communications
- (i) Adjournment

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – April 20, 2005 (Partial) (Cont'd.) Vice Mayor Chavez, Chair

- \* (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Approval of an Addition to the City Auditor's Work Plan related to Disability Retirement Issues.  
[Deferred from 5/3/05 – Item 3.2(g)(1)]

#### 3.3 Report of the Making Government Work Better Committee Council Member Reed, Chair

#### 3.4 [Acceptance of the Report of the Council Salary Setting Commission. Attachment](#)

**Recommendation:**

- (a) Approval of Council Salary Setting Commission Report for the period July 1, 2005 through June 30, 2007. (City Clerk)
- (b) [Approval of an ordinance setting Mayor and Council Member salaries, as recommended by the Council Salary Setting Commission.](#) (City Attorney's Office)

#### 3.5 [Interview applicants for Elections Commission and make one appointment for a four year term.](#)

**Recommendation:** Interview applicants for the Elections Commission and make one appointment for a four year term. (City Clerk)

#### 3.6 [Approval of actions for the CUSP Project.](#)

- (a) Adoption of an appropriation ordinance and funding sources resolution amendments:
  - (1) Increasing the estimate for Earned Revenue in the Integrated Waste Management Fund by \$4,461,606.
  - (2) Increasing the CUSP Project appropriation in the Finance Department in the Integrated Waste Management Fund in the amount of \$4,461,606.
- (b) Adoption of a resolution:
  - (1) Authorizing the City Manager to execute an Agreement for Services between the City of San José and BearingPoint, Inc. (BearingPoint Stage 2 Agreement) to implement Stage 2 of the City's Integrated Utility Billing, Customer Service and Performance Management System (the CUSP PROJECT, Phase 1) for a total maximum compensation not to exceed \$4,056,006; and
  - (2) Authorizing the Director of Finance to execute change orders to the BearingPoint Stage 2 Agreement in a 10% contingency amount not to exceed \$405,600.

CEQA: Not a Project. (City Manager's Office/Finance)



### 3 STRATEGIC SUPPORT SERVICES

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#### 3.7 Approval to name a new Community Center.

- \* **Recommendation:** Approval to name a new community center located at the 3707 Williams Road (corner of Williams and Boyton) as the “West San José Community Center”, as recommended by the Parks & Recreation Commission. (City Clerk)  
(Orders of the Day)

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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#### 4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair

#### 4.2 [Report of the Driving a Strong Economy Committee](#) – April 25, 2005 Council Member Williams, Chair

##### [Attachment](#)

- (a) Fair Housing and Predatory lending Education Update
- (b) [Discussion of Supporting Innovative Companies in San José Through Use of City Investment Funds](#)
- (c) [Update on Silicon Valley Work Force Investment Network](#)
- (d) [Actions the City Can Take to Support Light Industrial Companies in San José](#)  
**SEE ITEM 4.4 FOR COUNCIL ACTION TO BE TAKEN**
- (e) [Bi-Monthly Economic Development Indicators](#)
- (f) Oral Petitions
- (g) Adjournment

#### 4.3 [Approval of actions for the Hillview Glen Apartments Project.](#)

**Recommendation:** Adoption of a resolution approving the subordination of the City’s existing permanent loan of \$6,000,000 to a new senior loan of \$12,000,000 to be made by the California Housing Finance Agency (CalHFA) to refinance the 138-unit Hillview Glen Apartments Project located at the southeast corner of Pearl and Hillsdale Avenues. CEQA: Not a Project. Council District 9. (Housing)

#### 4.4 [Approval of actions to support light industrial companies in San José.](#)

- \* **Recommendation:** Direction to the Administration to proceed with amendments to Title 20, the Zoning Code to broaden the range of allowed uses in the City’s industrial areas and streamline the process for appropriate changes in use to facilitate occupancy of existing vacant buildings and properties. CEQA: Not a Project. (Planning, Building and Code Enforcement)  
[Driving a Strong Economy Committee staff referral 4/25/05 – Item 4.2(d)]

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.5 Public Hearing on proposed revisions to the City Council Policy on Post-Construction Urban Runoff Management.**

- \* **Recommendation:** Adoption of a resolution approving revisions to the Council Policy on Post-Construction Urban Runoff Management (Policy No. 6-29) to:
- (a) Require the installation of stormwater treatment control measures in new and redevelopment projects which create, replace or add 10,000 square feet or more of impervious surface and involve “Land Uses of Concern,” or require a permit or other direct approval from the Regional Water Quality Control Board (RWQCB);
  - (b) Expand the Policy definition of “Land Uses of Concern” to include projects involving vehicle or equipment maintenance areas, including washing and repair, outdoor handling or storage of waste or hazardous materials, outdoor manufacturing area(s), outdoor food handling or processing, outdoor animal care, and outdoor horticultural activities where potential pollutant loading cannot be satisfactorily mitigated through other post-construction source control best management practices; and
  - (c) Make a technical correction in the “Urban Core” definition related to the required proximity to a BART transit node.

CEQA: Exempt, PP05-012. (Planning, Building and Code Enforcement)

(Deferred from 4/19/05 – Item 4.3 & 5/3/05 – Item 4.4)

**RECOMMEND DEFERRAL TO 5/17/05**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair**

### **5.2 Approval of an agreement for skate park services at Lake Cunningham.**

- \* **Recommendation:** Approval of a consultant agreement for skate park project management and design services with Beals Alliance, Inc. for the Lake Cunningham Regional Park for a term beginning April 1, 2005 through March 31, 2008, in an amount not to exceed \$500,000. CEQA: Not a Project. Council District 8. (Parks, Recreation and Neighborhood Services)  
(Deferred from 4/19/05 – Item 5.4 & 5/3/05 – Item 5.2)  
**DROP**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair**

## 6 TRANSPORTATION SERVICES

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### 6.2 [Approval to award a contract for the William Street/McLaughlin Avenue Streetscape Improvement Project.](#)

**Recommendation:**

- (a) Report on bids and award of contract for the William Street/McLaughlin Avenue Streetscape Improvement Project to the low bidder, ESR Construction, Inc., in the amount of \$622,456, and approval of a contingency in the amount of \$32,000.
- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
  - (1) Increase the appropriation to the Department of Public Works for the William Street and McLaughlin Avenue Improvement Project (PSM 369#1) by \$723,456.
  - (2) Increase the estimate for Earned Revenue by \$723,456.

CEQA: Exempt, PP05-20. Council District 3. SNI: Brookwood Terrace. (Public Works/City Manager's Office)

## 7 ENVIRONMENTAL & UTILITY SERVICES

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## 8 AVIATION SERVICES

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## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1 IN A JOINT SESSION

#### 10.1 [Approval of an extension to the term of the SNI Project Area Committee.](#)

[Attachment](#)

- \* **Recommendation:** Adoption of a resolution by the City Council approving the establishment of a Strong Neighborhoods Initiative Project Advisory Committee and appointing members to a two year term. (Mayor)

### ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report
- Notice of City Engineer’s Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9709	N/S of Laurel Grove, Lane East of Bush Street	6	Plant 51 LLC	265 Units	Condominium

- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment